DOCUMENT RESUME

ED 261 333 CG 018 532

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TITLE Parental Kidnapping: How to Prevent an Abduction and What to Do If Your Child Is Abducted. Second Edition.
INSTITUTION National Center for Missing and Exploited Children, Washington, DC.
SPONS AGENCY Office of Juvenile Justice and Delinquent Prevention (Dept. of Justice), Washington, D.C.
PUB DATE Aug 85
CONTRACT 84-JS-AX-K016
NOTE 54p.
PUB TYPE Guides - Non-Classroom Use (055)

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS *Child Custody; *Court Litigation; Criminal Law; Divorce; Family Problems; Federal Legislation; *Law Enforcement; *Parent Rights; Prevention; State Legislation
IDENTIFIERS *Parent Kidnapping

ABSTRACT

This handbook was written for parents, law enforcement officers, attorneys, and government officials who deal directly with cases of parental kidnapping. It provides a guide through the criminal and civil justice systems and a summary of the laws on parental kidnapping. Actions that parents can take and laws that may help them when their children are the victims of parental kidnapping are described. Law enforcement information on criminal charges, investigations, arrest, conviction, and victim assistance is provided in chapter 1. In chapter 2, several court-related issues are addressed: finding, hiring, and consulting with a lawyer; free legal service; obtaining custody; enforcing a custody decree; and child-snatching lawsuits. Chapter 3 lists support groups and sources of information useful when searching for a child. Chapter 4 is concerned with legally recovering a child. In chapter 5, psychological counseling, acting as a witness, and visitation rights after an abduction are discussed. Chapter 6 deals with ways of preventing an abduction, and chapter 7 outlines the rights of noncustodial parents. Chapter 8 provides information on relevant legislation, including state parental kidnapping laws, state missing children laws, the Missing Children Act, the Uniform Child Custody Jurisdiction Act, and the Parental Kidnapping Prevention Act of 1980. Selected support groups are listed by state and books for additional reading are suggested. (NRB)

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NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

Parental Kidnapping

How to Prevent an Abduction and What to Do If Your Child Is Abducted

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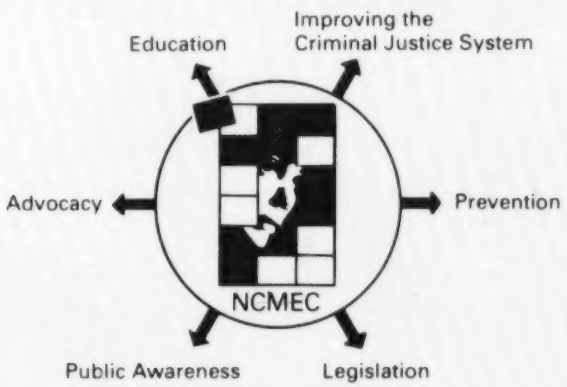
The National Center for Missing and Exploited Children

— provides training assistance to law-enforcement and child protection agencies to develop effective procedures to investigate and prosecute cases of missing and exploited children
— assists individuals, groups, agencies, and state and local governments involved in investigating and prosecuting cases of criminally or sexually exploited children
— provides information and advice on effective state legislation to assure the safety and protection of children
— provides prevention and education programs for parents, schools, action groups, agencies, communities, volunteer organizations, law enforcement, and local, state, and federal institutions
— distributes comprehensive instruction packages to aid communities in protecting children
— organizes networks of information among school systems, school boards, parent-teacher organizations, and community organizations about proven techniques for implementing educational programs
— conducts an outreach program to alert families, communities, the criminal justice system, and concerned organizations about the nature and extent of child victimization and exploitation
— ensures coordination among parents, missing children groups, and the media to distribute photos and descriptions of missing children
— coordinates the exchange of information regarding child exploitation

The Center is a primary resource for assistance and expertise in all these areas:



Toll-free Hotline

The Center maintains a toll-free telephone number for those individuals who have information that could lead to the location and recovery of a missing child. Because these calls can literally be a matter of life or death, we ask that the Hotline number be used by those individuals who have this critical information. If you know the location of a missing child, please call this number:

1-800-843-5678

Information Please

The National Center for Missing and Exploited Children offers a national clearinghouse that collects, compiles, exchanges, and disseminates information. Anyone who is seeking information or who wishes to contribute information about the problem should write to the following address:

National Center for Missing and Exploited Children
1835 K Street, N.W., Suite 700
Washington, D.C. 20006

Parental Kidnapping

How to Prevent an Abduction and What to Do If Your Child Is Abducted

August 1985
Second Edition

Patricia M. Hoff
National Legal Resource Center for
Child Advocacy and Protection
of the American Bar Association

National Center for Missing & Exploited Children

Acknowledgments

The National Center for Missing and Exploited Children is indebted to the following individuals—without whose knowledge and expertise this publication would not have been possible:

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Prepared under Cooperative Agreement #84-JS-AX-K016 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice.

Points of view or opinions in this handbook are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

U.S. Department of Justice

Office of Juvenile Justice and
Delinquency Prevention

Washington, D.C. 20531

Dear Reader:

The problem of parental kidnapping--the taking of a child by the noncustodial parent--is a highly complicated and difficult one. These abducted children are definitely at risk and are often the victims of physical abuse and emotional trauma. No one knows the exact dimensions of the problem, but they are significant.

In response to this problem, the National Center for Missing and Exploited Children, in cooperative agreement with the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, has compiled Parental Kidnapping.

This handbook has many uses. It provides useful information to parents on preventing parental abductions. It also helps guide parents through the civil and criminal justice systems and explains the laws that will help them. In addition, this book gives valuable advice and assistance to the members of the justice system themselves--police, prosecutors, attorneys, and family court judges--to help them investigate and prosecute cases and recover the young victims of parental kidnapping.

Alfred S. Regnery

Alfred S. Regnery
Administrator
Office of Juvenile Justice and
Delinquency Prevention
U.S. Department of Justice

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Other publications available from the National Center for Missing and Exploited Children:

Directory of Support Services and Resources for Missing and Exploited Children
Selected State Legislation (state laws to protect children)
Child Protection (safety tips)
informational brochure
Investigator's Guide to Missing Child Cases (for law-enforcement only)

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Foreword

A significant number of child kidnappings that take place in the United States are in fact the result of noncustodial parental kidnapping. Regardless of the intentions of the abducting parent, the child suffers the consequences of being uprooted from a home, deprived of the other parent, and forced to spend a life on the run.

This handbook describes the actions parents can take and the laws that may help them when their children are the victims of parental kidnapping. It also explains how to prevent abductions and outlines the rights of noncustodial parents. The handbook has been written mainly for the following:

- custodial parents whose children have been abducted by noncustodial parents
- custodial parents whose children have been concealed after the end of legal visitation periods
- parents who want to know how to prevent parental kidnapping

When a parental kidnapping occurs, there are possible *criminal* remedies as well as *civil* remedies available to the victim parent. Therefore, the term *parental kidnapping* has both a civil and criminal meaning. The police, prosecutors, and the FBI are part of the criminal justice system. Your lawyer, private investigator, and the family court are part of the civil justice system. It is important for you to recognize that both criminal and civil remedies should be sought at the same time.

Where to Begin

Locating your abducted child is the single most important task facing you as a parent: There can be no peace of mind until your child's whereabouts are known. Searching parents should be aware of every resource and lawful technique at their disposal to find the missing child. A description of many of these resources is included in this book.

First, it is crucial to obtain a court order for custody—called a custody decree or custody order—if you do not already have one. This should be done even if your child has already been abducted and even if you were never legally married to the abductor.

Since you have more at stake than anyone else, it is essential that you participate actively in the search for your child. As you conduct your search, try to remain as calm as possible. This will help you to think more clearly and to organize your investigation. Use the location tips found in this book, and use your imagination to develop other leads.

Start a notebook. Keep records, with dates, of everything you do and every person or agency you contact in the course of your search. Keep a copy of all letters that you send and receive. Note whatever actions are being taken on your behalf. Check back with your sources. When your child is located, notify every person, agency, and organization that helped you. This will allow them to focus their energies on other cases. Thank them for their help. It may also help to keep a scrapbook of articles on other cases of parental kidnapping as a source of ideas to aid in your search. (See page 42 for a worksheet to help you organize your search.)

The following list summarizes what to do if your child is the victim of parental kidnapping. Each step is described in greater detail in the text.

1. Once you are sure your child has been abducted, call or go to your local police department and file a missing persons report under the Missing Children Act (see page 27). Ask the police to enter descriptive information about your child into the NCIC

computer. You do not need a custody decree to file this report, nor do the police have to charge the abductor with a crime for the information to be listed in the NCIC computer.

2. Contact parental kidnapping support groups to help you through the process of finding your child (see pages 29-34 for a selected list of support groups).

3. Obtain legal custody of your child if you have not already done so. You may petition the court for custody even after your child has been abducted. Consider hiring a lawyer to help you get a custody decree.

4. Consider asking the police or prosecutor to file criminal charges against the abductor if you intend to press charges after your child has been returned. Meet personally with the local prosecutor to discuss prosecution. It is almost always necessary to have a custody order to press criminal charges.

5. If the prosecutor charges the abductor with a felony crime, make sure that the state felony warrant is entered promptly into the National Crime Information Center (NCIC) computer. If the abductor has fled the state to avoid felony prosecution, also ask the prosecutor to apply to the local U.S. Attorney for an Unlawful Flight to Avoid Prosecution (UFAP) warrant. If a federal warrant is issued, the FBI can then assist in the search for the abductor.

6. Search for your child on your own as well as working with the police department.

7. When you find your child, immediately send a certified copy of your custody decree to the family court in the place where your child is located. Then request the local police to help you recover your child.

8. If the police will not help you without a local court order, petition the family court where the child is found to enforce your custody decree. Your lawyer can help you do this.

9. Go back to family court after your child is returned to limit the abductor's visitation rights. Also ask the judge to add provisions to your custody decree to prevent a repeat abduction.

10. Seek psychological help for your child if he or she is having a difficult time adjusting after the abduction.

A Message to the Reader

This handbook is written for parents, law-enforcement officers, attorneys, and federal, state, and local officials who deal directly with cases of parental kidnapping. It is designed primarily as a guide through the criminal and civil justice systems and a summary of the laws on parental kidnapping. Parents should bring this book with them in their dealings with police, prosecutors, attorneys, and the family court. The book provides law enforcement and other officials with important information about search and recovery techniques and resources available to them in their investigation of parental kidnapping cases. Parents will also find valuable information about the measures that can be taken to *prevent* parental abductions.

If your child is the victim of a parental kidnapping, and you are experiencing difficulties with the civil or criminal justice process, please call the National Center for Missing and Exploited Children at 1-800-843-5678 for information and help. You may also encourage your police investigator, prosecutor, or attorney to contact the Center for advice and technical assistance in recovering your child.

The Center employs a select group of former criminal justice and youth services professionals who have worked on the federal, state, and local levels across the country and who have broad expertise in handling and prosecuting cases of child abduction.

Glossary

Here are some key words that will help you to use this book and to communicate with your lawyer and the law-enforcement community.

abducted child the child who has been wrongfully taken, kept, or concealed by the abductor parent. Also called **victim child**.

abductor parent the parent who wrongfully takes, keeps, or conceals the child

child-snatching lawsuits legal actions that the victim parent may be able to file against the abductor parent and other people who assisted the abductor

custodial parent the parent who has been awarded sole custody by a court

custody decree a court order awarding rights of custody (including joint custody) and visitation. Also called **custody order**.

extradition the legal procedure by which a person suspected of a crime, or an escaped criminal, is returned to the state from which he or she has fled

interstate between two states

joint custodian a parent who has been awarded joint custody (shared custody) by a court

jurisdiction power of the court to make certain orders relating to child custody or parental kidnapping

modify to change

noncustodial parent the parent who has been awarded visitation rights by a court

parental kidnapping taking without permission, keeping, or concealing a child by a parent or person acting on behalf of the parent. Also called **child snatching, child abduction,** and **custodial interference.**

probation release of a convicted criminal without a full term of imprisonment, but with restrictions and requirements to report to a probation officer

prosecutor person in the criminal justice system whose job it is to file criminal charges against and prosecute an abductor parent who has violated the law. Also called **district attorney, state attorney, commonwealth attorney, assistant attorney general,** or **solicitor.**

search warrant special legal order used to obtain private records and information. It has other uses as well.

subpoena special legal order used to obtain private records and information

victim parent the parent from whom the child has been wrongfully taken, kept, or concealed. Also called **searching parent**.

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1. Working with the Police and Prosecutors

Every victim parent needs to understand how the criminal justice system—police, prosecutors, and the FBI—can help in locating and recovering the abducted child and in bringing the abductor to justice. Remember, however, that the main purpose of the criminal justice process is not to find and recover your child; it is to bring the abductor to justice. Be sure to use all the criminal remedies described in this chapter that are appropriate to your case. And, above all, make sure that at the same time you use all other non-criminal (civil) remedies as well. Civil remedies are described in the next chapter.

First Steps

Because the first few hours of an investigation are crucial, you must act quickly when you discover that your child is missing. First, go to the police to file a missing persons report, and make sure that they enter your child's description in the FBI's National Crime Information Center (NCIC) computer.

Missing Persons Report Immediately after you file a *missing persons* report, state and local law-enforcement authorities (police, sheriffs, and prosecutors) can enter the complete description of your abducted child into the FBI's *National Crime Information Center (NCIC)* computer system. The abductor does not have to be charged with a crime in order for the information to be entered into NCIC. If the police will not enter the information, the Missing Children Act (P.L. 97-292) allows you to go to the local offices of the FBI to ensure that the information is entered.

Entering Your Child's Description into the National Computer Here's how you can get your child's description into the National Crime Information Center (NCIC) computer:

1. Go to the police station immediately with the appropriate documents concerning custody and report your child as missing. Provide a complete description of the child, including physical description, date of birth, age, grade in school, dental records, circumstances of disappearance, and the name and complete description of the abductor and his or her vehicle. (See pages 38–39 for a worksheet you can use to complete the report.)
2. Record the name, badge number, and telephone number of the police officer who takes the missing persons report.
3. Request a copy or case number of the missing persons report.
4. Ask that all data regarding the missing child be entered into the National Crime Information Center (NCIC) computer. This will include the names of the officers on the case, with office telephone numbers and instructions that they be contacted immediately.
5. Wait one day and then check with police that the complete description of your missing child has been entered into the NCIC computer. Ask to see the printout if it is available.
6. If the information has not been entered into the NCIC computer, go to the local office of the FBI with the appropriate documents regarding custody and ask them to enter the information.
7. Wait one day, and then visit the local FBI office and request confirmation that the entry was made.
8. Ask the police for other assistance they can give you even before criminal

charges are pressed, such as a Be on the Lookout (B.O.L.) bulletin for your missing child.

Criminal Charges

There are criminal laws that prohibit parental kidnapping and that punish abductors. Parental kidnapping can be punished as a *felony* in 46 states. It can be punished as a *misdemeanor* in 27 states. Only one jurisdiction does not punish parents for kidnapping their children at all (as of this writing, the District of Columbia). Someone convicted of a felony can be incarcerated or fined; a misdemeanor has punishments to a lesser degree. In many cases, however, no crime is committed if the abduction occurs before a custody order has been made. (References to the criminal parental kidnapping laws for each state are listed on pages 40–41.)

States differ on the question of whether the taking of a child is in fact a felony crime. Most states consider this offense a felony because of the grave risk and danger to the child. In addition, parental kidnapping is generally considered an interstate crime, which requires extradition (the return of the defendant to the state where the crime was committed). Normally, there is no extradition for minor offenses or misdemeanors. It is important to mandate that this crime will be a felony offense. A federal warrant for unlawful flight can only be issued if the crime is a felony for which extradition is assured.

There are several problems in enforcing the laws against parental kidnapping. Many states restrict enforcement by limiting the children protected to those below a certain age, instead of the traditional limitation being the age of emancipation (18 years in most states).

Many state statutes make parental kidnapping a felony crime only if the child is taken out of the state. In many cases, there is simply no proof of the child's whereabouts, and so it is difficult to establish the fact that the child was actually taken across state lines.

To address this problem, some states do allow enforcement of the law if the child is taken or simply concealed. The concealment provision is effective and should be included in every state statute. It also allows the crime to be regarded as a continuing offense. Therefore, state laws should be strengthened to make it a felony crime not only for taking a child but also for concealment of that child at any later date.

Bear in mind that parental kidnapping might be punishable under the laws of the state from which the child was abducted as well as under the laws of the state to which the child was taken or is being kept. Consider investigating whether criminal charges can be filed in each state in which a crime has been committed. Also check the general kidnapping law and other laws that might apply, such as burglary, car theft, battery, etc.

Note: Before you ask the prosecutor to file charges against the abductor, be honest with yourself and the prosecutor about whether you will testify against the abductor if he or she is brought to trial. If the prosecutor is reasonably certain that the victim parent will testify, he may be more likely to treat the matter seriously. If your only purpose in filing a criminal complaint is to recover your child and not to bring the abductor to justice, you should not ask the prosecutor to file criminal charges. The prosecutor cannot justify committing police and court personnel to a case that ultimately will be dropped.

Here's how you can pursue criminal charges against the abductor of your child:

1. Get a copy of your state parental kidnapping laws (see pages 40–41 for references to the laws for each state).

2. Be prepared to show the police or the prosecutor how the laws apply in your case.

3. There is confusion about whether a criminal charge can be brought against a parent who abducts a child in violation of a joint custody order. An argument can be made that neither parent with joint custody can abduct the child without violating the rights of the other parent, and there is case law to support this. If the prosecutor will not file criminal charges in a case of joint custody, you may still wish to pursue this issue in your civil action.

4. Arrange a meeting with the prosecutor. You may want to have your lawyer

go with you. Bring a copy of your custody decree to the meeting.

5. Make sure to ask the prosecutor for felony charges rather than misdemeanor (minor offense) charges, if you can. This will enable the prosecutor to issue a nationwide warrant for the arrest of the abductor through the National Crime Information Center (NCIC) computer. It will also enable the prosecutor to seek a *UFAP* warrant (see page 4) and FBI assistance if the abductor has left the state. If you cannot get a felony charge, ask for misdemeanor charges. Use this opportunity to discuss with the prosecutor the use of subpoenas or search warrants to obtain private records.

6. If the prosecutor issues an arrest warrant, ask for the warrant number. You should use this warrant number on the poster or flier of your missing child (see page 12).

If the Prosecutor Will Not Prosecute If the state prosecutor fails to issue criminal charges without justification, send a letter directly to the elected prosecutor. Getting public support for prosecution, however, may be even more effective. Two ways to influence the prosecutor's decision are 1) to ask state and local politicians to contact the prosecutor on your behalf; and 2) to get help from support groups. If these two methods fail, you may want to seek media coverage of your child's abduction, with emphasis on the need for criminal prosecution.

The Criminal Investigation

If criminal charges are filed, the police can investigate the parental kidnapping in many ways. There may be instances in which the police can get information in the course of their official investigation that you could not obtain yourself. You may suggest that the police review the search techniques outlined on pages 11-15.

After the Abductor Is Criminally Charged Once the abductor has been charged with a crime, press for an active investigation by the police. The victim parent should also simultaneously use all available civil remedies. Do not rely on the criminal process to vindicate your civil custody rights. The prosecutor is not your private lawyer. He represents the public interest in having the state's criminal laws enforced. Your own lawyer represents your personal interest in having your child returned and can go to family court on your behalf to accomplish this.

Entering the Felony Warrant into the National Computer Most important, if the abductor is charged with a felony, the police should immediately enter the warrant for his or her arrest into the National Crime Information Center (NCIC) computer for national dissemination to law-enforcement agencies. This is not the same as entering the missing child's description into the NCIC computer. Entering the child's description can be done as soon as the child has been abducted, even if no criminal charges have been filed against the abductor. If a missing persons report has been entered into the NCIC computer, make sure that the entry of the felony warrant into the computer contains a cross reference to the missing persons report.

B.O.L. Bulletins Police can also issue *Be on the Lookout (B.O.L.) bulletins* to other police agencies to find the vehicle of the abducting parent. These bulletins can be issued across state lines if a felony warrant has been entered in the NCIC computer.

Obtaining Records by Subpoena or Search Warrant Investigators can obtain certain kinds of information about the abductor after the prosecutor has obtained a special legal order, such as a *subpoena* or *search warrant.* For instance, unless there is a subpoena or search warrant, information about the abductor's telephone records, bank statements, credit cards, and medical records may not be released. (This protects the privacy of the abductor and the confidentiality of the records.) It is sometimes helpful for the prosecutor to subpoena telephone records and bank records of relatives and friends believed to be in contact with the abductor.

Parent Locator Service Each state maintains a State Parent Locator Service (SPLS) as part of

its child support enforcement activities. The primary purpose of the SPLS is to locate parents who are delinquent in their child support payments. If state law or regulations permit, the SPLS may also be used to locate abductors in parental kidnapping cases. You may wish to tell the police or prosecutor about the service, as they may not know of it. The police, prosecutor, or the judge can then ask your SPLS to conduct a records search for the abductor's address. The SPLS will perform a search if permitted in your state.

The police, prosecutor, or other authorized person may also be able to obtain address information on the abductor from the Federal Parent Locator Service (FPLS), which is maintained by the federal Office of Child Support Enforcement, if your state has a contract with the FPLS to provide this service. The term "authorized person" includes any judge with jurisdiction to make or enforce a custody order, any state or federal official with the duty or authority to investigate, enforce, or prosecute a parental kidnapping case, and any agent or attorney of a state who has the duty or authority to enforce a custody order. Parents are not authorized persons. Parents or their lawyers, however, can ask an authorized person to send a request for address information to the SPLS, which in turn sends the request to the FPLS.

If a state does not have a contract with the FPLS for parental kidnapping cases, the police, prosecutor, or parent can ask the U.S. Attorney or the FBI to make a search request directly to the FPLS. Volume 45, Section 303.69 of the Code of Federal Regulations allows, but does not require, the U.S. Attorney and the FBI to request such a search.

The FPLS can search for address information about the abductor in federal records maintained by various federal agencies, including the Internal Revenue Service, Social Security Administration, Veterans Administration, Department of Defense, Coast Guard, and the National Personnel Records Center of the General Services Administration. The abductor's Social Security number is needed to search these files. If the searching parent does not know the Social Security number, the Social Security Administration will try to find it. (A small fee may be charged for using the Parent Locator Services.) The address information maintained by each agency is updated only once a year, and so it may take a while for the Parent Locator Services to provide accurate information. (See pages 40-41 for a list of the telephone numbers of the Parent Locator Service for each state.)

The FBI If the prosecutor has issued felony charges and there is reason to believe that the abductor has left your state, the prosecutor can seek FBI assistance. Under Section 10 of the Parental Kidnapping Prevention Act (see page 28), the prosecutor can ask the U.S. Attorney for a federal *Unlawful Flight to Avoid Prosecution (UFAP) warrant*. The victim parent cannot ask the U.S. Attorney for this warrant but can request the local prosecutor to do so. The state prosecutor is expected to provide the U.S. Attorney with a certified copy of the criminal complaint against the abductor. The prosecutor must also show a serious intention to extradite (legally force the return of) the abductor.

If the prosecutor obtains a federal UFAP warrant, the FBI is permitted to assist in the search for the abductor, make the arrest, and turn the abductor over to state authorities for extradition and prosecution. A UFAP warrant does not authorize the FBI to search for or recover your child, however. It only authorizes the arrest of the abductor. Therefore, the parent should be prepared to recover the child by any other legal method (see pages 17-18).

Note: A UFAP warrant will not be issued if the abductor's whereabouts are known, since in that case the prosecutor can begin extradition without the help of the FBI.

As stated above, the FBI will also accept into their NCIC computer system felony warrants and complete descriptions of abducted children. If local police do not enter your child's description into the computer, parents can directly request the FBI to do so. Although it is the responsibility of the FBI to operate the NCIC computer, it is the responsibility of the local police to enter information about state felony warrants into the NCIC. The FBI can also make a request directly to the Federal Parent Locator Service for address information on the abductor.

The Arrest

You should ask the police to keep you informed about the status of your case, especially when they are about to make an arrest. You should follow the instructions of the arresting officer concerning your location at the time of the arrest. Do not go to the scene of the arrest unless you are requested to do so by the arresting officer.

You should remember, however, that in most states the police are not required by law to give the child to the searching parent when they arrest the abductor. The police are also not required to search for or pick up the child if the child is not with the abductor at the time of the arrest. It may be necessary to go to court to enforce your custody order and obtain an order requiring the return of the child. Have your lawyer coordinate with the police and obtain the pick-up order in advance of the arrest if the police or prosecutor cannot obtain a pick-up order.

If you are unable to pick up your child yourself at the time of the arrest, it may be possible to ask a friend or relative to do so. Make arrangements with the police department in advance to make sure that they will be able to turn your child over to someone besides yourself. If they are unable to accommodate you in this matter, you may have to place your child temporarily with a state or county child's protective service agency.

Extradition When the abductor is arrested in another state, he or she may agree to return voluntarily to the state in which the criminal charges are pending. If not, the state prosecutor will have to extradite (legally force) and pay for the return of the abductor before a criminal trial can take place. Remember, the decision to extradite involves considering 1) the seriousness of the crime, and 2) the financial resources of the local prosecutor's office to extradite the offender. Not every offender is extradited.

Conviction

If the abductor is convicted of or pleads guilty to parental kidnapping, he or she may be punished. Before sentencing, it is very important for the victim parent to ask the prosecutor or probation officer to seek an appropriately strict sentence. A good precaution against another abduction is to have the prosecutor ask the judge to order the abductor to report regularly to a probation officer. Also, you can ask the judge to prohibit out-of-state travel without prior written approval. If the abductor is incarcerated, it is important for the victim parent to request the parole officer to set similar reporting requirements and restrictions on out-of-state travel if the abductor is paroled. Try to attend the sentencing hearing yourself.

Victims' Assistance

Some states have certain *victims' assistance* laws that may help you get financial and other assistance after the crime. Although most of these programs are designed to aid victims of violent crimes, some may apply to nonviolent crimes, including parental kidnapping.

Check the index in your state's criminal code to see whether victims' assistance laws exist and, if so, whether they would apply to your parental kidnapping case. The prosecutor's office should also be able to tell you if such programs are available.

2. Working Through the Family Court: Your Custody Decree

The previous chapter explained some of the ways that the criminal justice system can help custodial parents involved in parental kidnapping cases. This chapter explains the civil (non-criminal) remedies that can be used to find and recover your child. You will be working through the family court system. You should go to court and be prepared to file a civil legal action to obtain or enforce your custody decree.

Hiring a Lawyer

Many civil and criminal laws have been passed to help parents legally recover their abducted children and to bring the abductor parent to justice. Making these laws work for you is normally a job for a lawyer. Some parents, however, choose to represent themselves (act as their own lawyer) instead of hiring a lawyer.

Representing yourself can be very difficult. First, the laws are not easy to understand without some legal training. The relationships between the laws can also be complicated, even for a practicing attorney. Second, the victim parent may be too caught up in his or her own case to approach the legal problems objectively. Third, many parents are uncomfortable in dealing with lawyers, judges, police, and prosecutors. Nervousness or inexperience in trying to perform as a "lawyer" may hurt your case.

For these reasons, most people should consider consulting with and hiring a lawyer. Your lawyer can go to court on your behalf to obtain a child custody order and can assist you in getting that order enforced and the child returned. Your lawyer can also help you to request the filing of criminal charges against the abductor and can encourage the police to investigate and the prosecutor to prosecute.

Finding the Right Lawyer

First, contact your state bar association and ask if there is a family law section. If so, get the name and telephone number of the chairperson of that section or the name and number of the chairperson of the child custody committee. Call this person and very briefly describe your situation. Ask for the names of several lawyers in your home town, or nearby, who have either handled parental kidnapping cases or who regularly handle child custody cases.

You may also get the names of family law specialists by contacting your state's chapter of the American Academy of Matrimonial Lawyers. You can get information on the chapter in your state by contacting the national office of the American Academy of Matrimonial Lawyers at 53 W. Jackson, Suite 1301, Chicago, Illinois 60604. You can call them at (312) 922-6308.

Another possible resource for identifying family lawyers specializing in child custody cases is the chairperson of the Child Custody Committee of the American Bar Association (ABA) Section on Family Law. For the name and telephone number of the current chairperson, call the ABA at (312) 988-5584.

You can also ask for lawyer referrals from people in the court system, such as judges, court clerks, and support personnel.

Finally, you can ask parental kidnapping support groups for their recommendations for lawyers. (See pages 29-34 for a selected list of support groups throughout the country.)

Consulting with Your Lawyer

After you have identified one or more lawyers close to your home, call for an initial consultation. This is usually not expensive, and some-

times it is free. Some lawyers will talk to you on the telephone. Others will set up an appointment for you at the office. Whatever the setting, briefly describe your situation, including your ability to pay for legal services.

Ask the lawyer whether he or she has handled cases similar to yours and what the results were. Ask if the lawyer is familiar with criminal parental kidnapping laws, the UCCJA and PKPA, and child-snatching lawsuits. If the lawyer has extensive family law experience but little experience with parental kidnapping cases, ask if he or she is interested in your case and is willing to do whatever legal research may be necessary. Find out the hourly rate you will be charged for legal services. If you are satisfied, hire the lawyer. If you are not satisfied, interview another lawyer.

As a general rule, a private attorney will charge you an hourly fee for services. There may be court costs and filing fees to pay as well. While the projected legal costs may seem staggering, the lawyer may be willing to work out a flexible payment arrangement. Remember, too, that you can ask the judge to order the abductor to pay all your legal expenses at the end of the proceeding.

Free Legal Services

If you cannot afford a private lawyer, you may qualify for free legal services provided by a Legal Aid or Legal Services attorney. Look in your area telephone directory under *legal aid* for the telephone number of the closest Legal Aid or Legal Services office, and call to make an appointment. If your child has just been kidnapped, tell the receptionist that you urgently need an appointment to see a lawyer. If the Legal Aid office nearest you does not handle child custody cases, ask for a referral to the closest office that does.

If you fail to qualify for free legal services but also do not have enough money to hire a private lawyer, you may be eligible for special reduced-fee programs set up by local bar association groups. Call your local, county, or state bar association to find out if there are any programs in your area for low-income individuals. Also check with your employer or your union to see if legal services are provided as a fringe benefit of your employment.

Obtaining Custody

The best way to assure the return of your abducted child is to obtain a valid *custody decree* (*custody order*) from a court with power (jurisdiction) to make such an order. A valid custody decree can then be legally enforced in whatever state the child has been taken, and the child can be returned to the lawful custodian.

One of the first ways your lawyer can help is to obtain a custody decree for you if you do not already have one. First, you will have to file legal papers, generally called pleadings, in the appropriate court. Your pleadings will ask the judge to award you custody. The name of the legal papers you file and the procedures used will vary depending on what state you live in.

There are laws that can help you obtain and enforce your custody order. All fifty states, the District of Columbia, and the Virgin Islands have enacted the Uniform Child Custody Jurisdiction Act (UCCJA). The UCCJA determines when a state has jurisdiction (power) to make a custody order. Your lawyer should review the UCCJA to ensure that your state has the power (jurisdiction) to make a custody order. For more information about the UCCJA, see pages 27-28. Your lawyer should also review the Parental Kidnapping Prevention Act (PKPA), described on page 28.

Notice to the Abductor Under the U.S. Constitution, all parties to a lawsuit must have a chance to present their side of the case. Under this rule, child abductors are entitled to notice of the custody action.

The Uniform Child Custody Jurisdiction Act (UCCJA) has special notice provisions that may be particularly helpful when a child is abducted before a decree has been made *and the abductor's location is unknown*. Ways of giving notice of the custody action may include 1) delivering the notice in person; 2) publishing information in a newspaper's classified ad section; and 3) sending copies of the custody petition to the abductor's closest relatives, friends, employers, and lawyer. The most common and preferred method is delivering the notice in person. It is advisable (and in many states required) to ask the court to specify the actual method of notice to be used if you cannot locate the abductor.

After the Abductor Has Left the State Occasionally, a lawyer unfamiliar with the UCCJA tells a parent that there is no way to get a custody decree after the abductor and child have left the state or when their location is unknown. This may not be true. In general, the UCCJA allows a judge to issue a custody order even after the child has been abducted, provided the notice requirements have been satisfied. A parent who gets such advice should ask the lawyer to reread the *jurisdiction* and *notice* provisions of the UCCJA or should consult an attorney with more UCCJA experience. (See pages 40–41 for the law book references to the UCCJA in each state.)

When to Petition for Custody As a general rule, in order to get a custody decree, you must file a custody petition in the home state within six months of the child's removal. In general, the *home state* is the state where the child lived for at least six months just before the custody action. When a child is abducted before there is a custody order, however, the UCCJA extends the period for an additional six months, giving the victim parent up to a year to file for custody in the home state. During this time, the abductor cannot establish a new legal home state for the child, and any custody order obtained in the home state is enforceable wherever the child is found. The best advice to a victim parent is to petition for custody immediately—do not delay!

Unmarried Parents Even though an unmarried parent may be able to get an abducted child back from the other parent without having first obtained a custody order, it is still a good idea to go to court for a custody order. This will expand the number of legal remedies available to secure the child's return. It will also provide a definite legal plan for the child's custody once the child is returned. Some of the provisions of the UCCJA may be affected by other laws, especially those applying to unmarried parents. You should consult with a lawyer.

Enforcing Your Custody Decree

If your child is abducted to another state, it may be necessary to bring a legal action in that state to *enforce your custody decree.* That is a legal method for recovering your child.

Your custody decree should be enforceable in every state under the Uniform Child Custody Jurisdiction Act (UCCJA), the federal Parental Kidnapping Prevention Act (PKPA), or both. These two laws give the victim parent the legal grounds to have a child returned from an abductor parent who has taken the child to another state.

The UCCJA requires state courts to recognize and enforce custody orders made by courts in other states. It also establishes a procedure for filing a certified copy of your custody decree in whatever state you seek to have it enforced. Your lawyer can do this for you.

The PKPA is especially helpful in enforcing custody decrees that were made in the child's home state. This law requires state courts to enforce and not modify custody decrees unless the original state decides to allow the other state to act.

Note: Both the UCCJA and the PKPA only require state courts to enforce custody orders made by other states when UCCJA and PKPA requirements were followed in the original custody decree. These laws are not identical, and their requirements differ.

Hiring a Lawyer in the Second State Parents who have represented themselves up to this point should seriously consider hiring a lawyer for enforcing the custody decree. It is crucial to getting the child returned. If you already have a lawyer, your original lawyer may be able to represent you in the second state if he is licensed to practice law in that state or if he obtains permission from the judge in that state. The main advantage to using your original lawyer is his familiarity with the case. The drawback is that your lawyer may be unaware of practices and procedures unique to another state.

An error or oversight by your lawyer could lead the judge to rule against your request to enforce your custody order. Therefore, you should consider hiring a lawyer in the state in which enforcement is sought (where your child is located)—either to handle the case or to assist your original lawyer. Your original lawyer may be able to recommend a lawyer in the second state. You may want to have your original

lawyer appear as co-counsel with the new lawyer, especially if the case history is long and complicated. Remember, in your petition for enforcement, you can ask the judge to require the abductor to pay all your legal expenses, including the fees charged by both lawyers.

Child-Snatching Lawsuits

Under the Uniform Child Custody Jurisdiction Act (UCCJA) and the Parental Kidnapping Prevention Act (PKPA), a searching parent may recover from the abductor the money spent to locate and secure the child's return. These laws, however, do not compensate the parent and child for the emotional anguish they suffered. They also do not hold anyone who assisted the abductor responsible for their actions.

Child-snatching lawsuits (*tort suits*) allow victim parents and children to sue for all their suffering as a result of the abduction. In addition, anyone who assisted the abductor can be sued and held financially responsible. The fact that these third parties can be sued sometimes leads them to reveal the child's location in return for an agreement to drop or settle the lawsuit against them. Legal theories that have been recognized by courts in child-snatching cases include unlawful imprisonment, custodial interference, enticement, infliction of emotional distress, outrageous conduct, and civil conspiracy. A few states have laws that specifically allow suits of this kind under special circumstances. Child-snatching lawsuits have been successfully brought in state and federal courts. For further information about child-snatching lawsuits, see *Interstate Child Custody Disputes and Parental Kidnapping*, listed in "Additional Reading."

WARNING: Child-snatching lawsuits are not advisable in every case. No matter how strong the case, it may not be worthwhile to sue someone who does not have the ability to pay. Not only would you recover little or no money, but there would be little incentive for the persons being sued to tell you where the child and abductor are. Also, do not invent a lawsuit. If you did, you could be the target of a counter suit for "abuse of process," and you could be forced to pay money damages to those you originally sued.

3. Searching for Your Child

Once you have filed a missing persons report with the local police, requested assistance from the police and prosecutor, and hired a lawyer to obtain or enforce a custody decree, there are many ways that you can help the investigation on your own.

First, you should contact support groups for information and advice. Then, you can begin investigating the whereabouts of your child and the abductor by contacting schools, the postal service, the media, and many other sources.

Support Groups

Organizations have been established around the country to provide advice and assistance to parents whose children have been abducted. Some of these groups are small, local, and informal. Others are larger and, through networks, offer services throughout the country.

The National Center for Missing and Exploited Children has compiled an extensive directory of nonprofit support groups for families with missing children and for parental kidnapping cases. This directory is available for free. Consult it for names, addresses, phone numbers, and complete descriptions of parental kidnapping support groups, including information on whether the group recommends private investigators. Write to the Center at the address below for your free copy of the directory:

National Center for Missing and
Exploited Children
Directory of Support Services
1835 K Street, N.W., Suite 700
Washington, D.C. 20006

A selected list of support groups is given on pages 29-34. Before joining an organization or paying any fees, however, a parent should talk to other parents who have used the services of the support group. Ask the organization for the names of several group members or parents who have made use of the services, and contact them.

Sources of Information

Use the following sources of information, in cooperation with police, attorneys, and support groups, to help you find out where the abductor has taken your child. *Note:* Because the abductor may change addresses several times, you should repeat your investigation every six months to a year.

School Records Federal law—the Family Educational Rights and Privacy Act (FERPA) Title 20, beginning at U.S. Code Section 1232g—permits parents to find out from school officials whether their child's school records have been transferred to a new school or if copies have been sent to the other parent. If the records have been forwarded to a new school, the parent is entitled to learn the name, address, and telephone number of the new school. Once that school is contacted, the parent is entitled to the child's new address and phone number.

A parent can prevent the transfer of school records by giving the school a copy of a custody order that specifically prohibits access to school records by the other parent. If the abductor parent then requests the transfer of the child's records, the records will not be transferred, and the custodial parent will be notified.

The noncustodial parent may realize that his or her location is known when the school refuses to transfer the records. Thus, you should carefully consider whether or not you want to prevent the transfer of records. Without preventing the transfer, you can ask to be notified of any request for transfer of the records, and you can find out the address of the

requesting school. For more information, contact the Director of FERPA, FERPA office, U.S. Department of Health and Human Services, 4513 Switzer Building, Washington, D.C. 20202.

Circulating Your Child's Photo Searching parents can write to the state Superintendent of Schools (or the Secretary of Education) in every state in the country for help in locating their children. You should send a poster of your abducted child with the child's complete description, including age, date of birth, and last grade and school attended. Also send a copy of your custody order (certified, if possible) and indicate in your brief letter the warrant number of any criminal warrant issued against the abductor. Provide the name and telephone number of the police officer or prosecutor assigned to the case. Ask that the child's photo and description be circulated throughout the state's school system. Make sure to include your telephone number at home and work.

If the Superintendent of Schools is unwilling to circulate your child's picture, ask for a list of all the schools (public and private) in the state so that you can write to them yourself. In the case of pre-school children, obtain a list of all licensed day care centers and babysitters and write to them. Some support organizations may be able to help circulate your child's picture to school systems around the country.

You will also want to print your *flier* or *poster* of your missing child with a recent photo and complete description, including age, hair and eye color, height, weight, birthmarks, grade in school, hobbies, sports, and so on. Also include the telephone number for the police department investigating the case. If there is a warrant out for the abductor's arrest, include the warrant number on the flier. Send the flier or poster to the media, schools, and organizations located in the area you believe your child to be. Consider offering a reward for information that results in the child's safe return. (See page 37 for a sample flier or poster you can use.)

Department of Motor Vehicles Ask your state Department of Motor Vehicles (DMV) to check on recent car registrations, title transfers, new licenses, and license renewals for the abductor's address. In the case of a new car registration, it may be possible to find out the name of the car dealership that sold the car. Contacting the dealer may lead to other information about the abductor.

WARNING: Some states may notify individuals when inquiries are made about them. Ask the DMV's public information officer if a notification policy is in effect. If so, do not use the DMV as a source of information if there is reason to believe that the abductor will flee once he or she finds out that a request has been made. Police may be able to get this information without tipping off the abductor. This warning also applies to the next five sources of information.

Banks Check with the abductor's bank to find out whether an account has been closed and whether funds have been transferred to another bank. If a checking account remains open, ask whether any checks have been used since the abductor left the area. Banks will cooperate if the account in question is a joint account and may be willing to help out even if the account belonged only to the abductor. If the bank will not cooperate in order to protect the privacy rights of the customer, the police may be able to obtain the information either directly or by subpoena or search warrant.

Credit Cards If the abductor has credit cards, contact the credit card companies and ask for duplicate copies of all charges and receipts for your records. Trace the places where purchases were made to see if any patterns emerge. Many purchases made in the same place over a period of time may mean that the abductor has taken up residence in that area. Pay special attention to gasoline credit card slips. As in the case of bank accounts, you should be able to get this information if you have a joint credit card account with the abductor. If the line of credit extends only to the abductor, the company may choose not to give out any information on privacy grounds. In that case the police may be able to obtain this information in connection with their investigation.

Travelers Checks Write or call travelers checks companies to determine whether checks have been purchased by the abductor.

If so, ask to be kept informed of the date and place the checks are cashed. The police may be able to obtain this information if you cannot.

Loans If the abductor has any loans outstanding, contact the lender (bank, finance company, car dealership) to find out whether payments on the loan are being made. If so, ask the lender to save the envelopes in which payments are mailed so that you can check the postmark. If payments are made by check, contact the bank that has the account for address information on the abductor. If you cannot get this information, the police may be able to obtain it.

Auto and Other Forms of Insurance Contact the automobile insurance company that insures the abductor. Ask if they have heard from the abductor with either a change of address or with a request to transfer coverage to a different vehicle. If insurance coverage has been purchased for a new car, find out where the car was bought and where it is being kept. If the abductor has changed insurance companies, contact the other insurance company as well.

Employers Check with the abductor's employer to find out where paychecks and health and pension benefits are being forwarded. You may also be able to find out from the employer whether the abductor has requested job references and, if so, where the request came from and where the references were sent.

College Records If the abductor attended college and would need transcripts to apply for jobs or higher education, contact the college registrar and find out where the transcripts were mailed. Ask to be alerted promptly if the abductor requests these documents. Contact the placement office to see if the abductor has requested placement services or job references.

Professional Licenses If the abductor practices a profession (for example, medicine) or a trade that requires a state license, contact the state licensing board where you think the abductor may be. Ask if a license has been issued to the abductor and where in the state the abductor is practicing. Ask to be alerted if an application for a business license is received. Contact professional associations (bar and medical associations) if membership is needed to practice the profession in that state.

Telephone Bills By using a subpeona or search warrant, the prosecutor or your attorney may be able to obtain copies of the telephone bills of the abductor's friends or relatives who may be receiving collect calls from the abductor.

Union Records Depending on the occupation of the abducting parent, union records may provide a good lead. If the occupation requires the use of an intermediary or agent, examination of his or her records pertaining to the abductor may be warranted.

Bureau of Vital Statistics If the child is younger than school age, it may be necessary to confirm innoculations for childhood diseases in order to enter a daycare program. The medical records of the child should be flagged so that any request for the records will trigger a notification to the authorities. If there is likelihood of the child being taken out of the country or if the child is enrolling in school, the birth certificate may be needed. The Bureau of Vital Statistics or other record repositories should be notified to contact the police if a request is made for a copy of the birth certificate.

Airlines You may want to contact the airlines to find out if the abductor and the child had reservations on an airplane flight. If you cannot get this information, the police or an investigator may be able to obtain it.

Clubs and Organizations Contact any clubs or organizations to which the abductor belonged to find out if the abductor notified them of a change of address.

Magazine Subscriptions If the abductor has magazine subscriptions, contact the magazines to find out whether the abductor has submitted a change of address.

Rental Cars Sometimes the abductor will rent a car or van to leave the area. Check with area car and truck rental agencies to determine whether a vehicle has been rented and, if so, when and where it was returned.

U.S. Postal Service Follow your local post office's procedures for discovering the abductor's forwarding address. If the post office has

not been notified of an address change, ask if a hold has been placed on the mail. If so, try to find out who is authorized to receive the mail.

Military Worldwide Locator Services Write to the *Worldwide Locator Service* for the branch of the military service that employs or employed the abductor. Request the most recent duty assignment and location of the abductor. Include the abductor's full name, Social Security number, date of birth, rank, and last known duty assignment. Following are the addresses and telephone numbers of the military locator services:

United States Army

Worldwide Locator Service
U.S. Army Personnel Service Support Center
Fort Benjamin Harrison, Indiana 46249
(317) 542-4211

United States Air Force

Air Force Military Personnel Center
Attn.: Worldwide Locator Service
Randolph AFB
San Antonio, Texas 78150
(512) 652-5774

United States Navy

Navy Locator Service
No. 21 (if inquiry is from a private party)
No. 36 (if inquiry is from a military source or government agency)
No. 36C (if inquiry pertains to a Navy retiree)
Washington, D.C. 20370
(202) 694-3155

United States Marine Corps

Commandant of the Marine Corps
Headquarters, Marine Corps
Attn.: Locator Service
Washington, D.C. 20380
(202) 694-1624 (A through E)
(202) 694-1861 (F through L)
(202) 694-1610 (M through R)
(202) 694-1913 (S through Z)

United States Coast Guard

Coast Guard Locator Service
Room 4502 (if the inquiry pertains to enlisted personnel)
Room 4208 (if the inquiry pertains to officers)
2100 2nd Street, S.W.
Washington, D.C. 20593
(202) 426-8898

If the abductor is a retired military or retired civil service member and receives a retirement check, consider contacting or obtaining a subpoena for records of the Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415.

Media Television, radio, newspaper, and magazine coverage of your case may help you find your child. Contact local and national media with your story. Make sure to have a recent photo and complete description of your child and the abductor, with the number of the warrant entered in the NCIC computer. Give telephone numbers where you can be reached at all times.

Medical Records Contact doctors, dentists, and hospitals that provided health care to your child or to the abductor. Ask if they have received any requests to transfer records to another doctor or hospital in a new location. If so, find out where the request originated and where the records were sent.

Utility Companies Once you think you have located the abductor, electric and gas companies may be willing to tell you if a new account has been opened in the abductor's name. Police investigators may be able to get this information if you cannot.

Telephone Listings Don't forget to check telephone books and telephone operators for new listings.

Friends and Relatives of Abductor Since the abductor generally uses other people to help take the child, all relatives, friends, and coworkers of the abductor parent should be contacted and questioned. Give the police a list of the names, addresses, and telephone numbers of all such persons, and suggest that they be

interviewed. The local prosecutor may decide to subpoena their testimony under oath.

If you are on good terms with the abductor's parents or siblings, it is helpful to stay in touch with them. They may be able to tell you if they have heard from the abductor. Ask them to save any letters and envelopes for the postmark.

Tracing Calls You may want to consider asking the local telephone company security office to place a "trap" on your phone or the phone of the abductor's friends or relatives if they will agree. A trap is a mechanical device that allows the phone company to trace calls. A trap is not a "tap" or a "bug." Have the person whose telephone line is "trapped" keep a notepad next to the phone and record the date and time any phone calls are received from the abductor. The telephone company will give any information on the call to the police.

Federal and State Parent Locator Services See pages 3-4.

Private Investigators If you are considering hiring a *private investigator* to help locate your missing child, it may be worthwhile to do a little investigating on your own first. You may want to check with your attorney for a referral. If additional assistance is needed, you may check with an organization such as the National Association of Legal Investigators, P.O. Box 1067, Corvallis, Oregon 97339. If a license is required in your state, make sure the detective has one. Contact the Better Business Bureau or Consumer Protection Office to make sure that the detective is reputable, and find out if any complaints have been made against the detective. Ask the detective for references and check them out. Avoid any detective (or lawyer) who promises to perform a "snatch back," as this is disruptive and harmful to the child and may prejudice the legal case of the parent who authorizes such conduct. In some states a "snatch back" is a crime.

Another way to find a trustworthy and effective private detective is to ask support organizations for their recommendations (see pages 29-34). Talk to other parents in the group who have used the investigator. Once you have hired an investigator, consider notifying all those working on the case, such as the police and the District Attorney, that you have done so. Search activities should be coordinated to the fullest extent possible to avoid costly and time-consuming duplication of services.

WARNING: It is a good idea to have your lawyer review any contract with the investigator before you sign it or pay any money.

Actions Against Abductor's Lawyer A few courts have required the abductor's lawyer to reveal the location of the abductor or the abducted child. This will not always work because the lawyer-client privilege usually allows the attorney to keep information about the client confidential. Parents have been successful in a few such cases, however, especially if it is in the child's best interests. For information about these lawsuits, see *Interstate Child Custody Disputes and Parental Kidnapping*, listed in "Additional Reading."

4. Legally Recovering Your Child

Once you have located your child, the next step is to get your child back legally. In almost every case you will need a custody decree. If you have not already filed for temporary or permanent custody, do so immediately (see page 8). A decree awarding you temporary custody can be enforced in the same way as a decree awarding you permanent custody. Once you have a decree, make sure that you file it in the state in which your child is located.

WARNING: Do not do anything illegal that could hurt your chances of recovering your child. For instance, do not break into the non-custodial parent's house and snatch the child back. Instead of going safely home with your child, you could find yourself facing a barrage of criminal charges, including disturbing the peace, burglary, assault and battery, and so on.

Voluntary Return

Voluntary return of the child by the abductor can be accomplished if the two parents are willing to communicate and cooperate with each other. If not, you must find another way to get your child back.

You do not need a custody decree to negotiate with the child's abductor, but it will improve your bargaining position. In addition, the decree will provide the framework for custody and visitation rights once the child is back with you. You should not rely upon any oral or written agreement with the abductor. You must have a court order.

Self-Help Recovery: Is it Advisable?

In some places, once you have filed your custody decree, you may be allowed to go and get your child as long as you commit no criminal acts in the process (such as disturbing the peace or breaking and entering). Check with a lawyer and the police or a local prosecutor to see if this method of enforcement is legal there. If the answer is yes, it is still a good idea to ask the police to accompany you when you pick up your child.

If there is any doubt about the legality of self-help recovery, you should file a petition with the local court to enforce your out-of-state custody decree. When the judge rules in your favor, he or she will issue an order directing the abductor to return the child to the lawful custodian.

Police Assistance

In a few states the police are directed by law to return a child to the lawful custodian when the abductor is arrested. While most state laws do not require this, many police officers nevertheless will turn the child over to you as long as they are not prohibited by law. This is true whether or not the abductor has been criminally charged.

The custodial parent usually has to furnish a copy of the custody decree (certified, if possible) and proper identification. It may be necessary to file a custody order in that state. It is also a good idea to have the child's birth certificate and a photograph of the custodial parent with the child. Normally, the custodial parent must be actually present in the state in order to ask for police assistance and to pick up the child.

Civil Legal Actions

If the police and prosecutors either cannot or will not help you recover your child, and voluntary return is out of the question, you will have to start a civil (non-criminal) action to *enforce the custody decree.* The legal grounds for enforcing the custody decree are found in the Uniform Child Custody Jurisdiction Act

(UCCJA) and the Parental Kidnapping Prevention Act (PKPA). (See page 28.)

The first thing you must do is to *file your custody decree* in the state where the child is located. Be prepared to tell the Clerk of the Court what section of the UCCJA in effect in your state authorizes the filing. Once the decree is filed in the state court, it can be enforced by any method recognized in that state. The procedures for enforcing custody orders vary from state to state.

The proper procedure for enforcing your custody decree depends upon the state in which enforcement is sought. In some states, a "writ of habeas corpus" is used, while "contempt" proceedings are used in others. Some states recognize a "petition for enforcement." Your lawyer should know what procedures are in use in your state for enforcing an out-of-state custody decree.

Note: An enforcement proceeding should not reopen the case concerning the merits of the original custody decree.

Attorney's Fees Your petition for enforcement can also contain a request for attorney's fees and other expenses to locate and recover your child. In addition to ordering the abductor to return the child, the court can order the abductor to pay the victim parent's legal costs and other expenses.

Pick-Up Order There may be some risks to using the legal system to enforce a custody decree if the abductor is likely to flee upon receiving notice of the enforcement proceeding. You can, however, petition a judge for a *pick-up* order directing law-enforcement officers to pick up the abducted child and to bring the child to the judge for temporary placement, usually with the searching parent, until the enforcement hearing.

Note: A pick-up order may be called a *writ of habeas corpus*, a *writ of enforcement*, or a *warrant in lieu of a writ of habeas corpus*, among other terms. When the police deliver the pick-up order, they will at the same time serve notice on the abductor of the enforcement proceeding. To obtain a pick-up order, the searching parent must be prepared to provide convincing reasons why the abductor would be likely to flee again with the child rather than remain for trial. The pick-up order can be granted without notice to the abductor.

Modifying the Custody Order Another risk associated with enforcement actions is the possibility of the abductor filing a counterclaim asking for modification (change) of the custody decree. Fortunately, though, the custodial parent should be able to stop the court from hearing a request for modification. Only certain states have the right to modify existing decrees under the UCCJA and the PKPA. Furthermore, the searching parent's lawyer can file a motion to dismiss the counterclaim to modify the decree. This may slow things down, but it should not hurt the outcome of the enforcement proceedings.

Temporary Care for the Child If you cannot be present to pick up your child, you may be able to designate a relative or other adult to take the child temporarily. Check in advance with the police or the local prosecutor to see if you can do this. Or, you can request the county child's protective service agency to take temporary custody of your child. The role of the child's protective service agency is simply to house and transport the child after he or she has been recovered. You may want to discuss with them the consequences of alerting the abductor to your actions. Check the telephone directory under *county government* for the child protective service agency, which may be known as the child abuse and neglect office, the office of social services, or the office of human resources. You can also call the family court for a referral to child protection institutions.

It is helpful to have the judge include in the original custody order a provision directing appropriate officials of every state to take whatever actions are necessary to enforce the court order, including taking custody of the child. Even if the custody order contains such a provision, however, parents should try to be present to pick up the child and minimize any trauma to the youngster.

5. After the Abduction

Legal and emotional problems often continue after a parental kidnapping. Even after you and your child have been reunited, you may both suffer depression, fear, anxiety, or confusion. Also, you will have many legal concerns to deal with, such as acting as a witness against the abductor and working out visitation rights.

Psychological Counseling

It may help to seek psychological counseling to help you and your child overcome the trauma of the abduction and to ease the adjustment process. Some support groups offer group discussions that give parental kidnapping victims an opportunity to share their experiences and feelings in a sympathetic atmosphere.

Private counseling for you or your child may be better suited to your personalities. Contact a local support group or the county mental health association for a referral to a psychiatrist, psychologist, social worker, or other counselor who has experience with parental kidnapping victims and a good rapport with children.

Acting as a Witness

Do not assume that once your child is back home with you that your dealings with the legal system are over. In fact, some of the most critical legal work lies ahead. For instance, there is the possibility of being called as a witness against the abductor in a criminal trial on the parental kidnapping charge. Be aware that a criminal conviction does not terminate the abductor parent's visitation rights.

Visitation Rights

Whether or not there is a criminal trial, you will most likely want to limit any visitation rights the abductor has. You will have to file a petition to modify the custody order to restrict visitation. The appropriate court for filing the petition is usually the one that issued the original custody decree.

For instance, you could request the judge to change a provision that allows for "reasonable visitation" so that it specifies the actual days of the week and holidays on which visitation shall occur as well as where and when the child will be picked up and returned. It is a good idea to specify in the court order with whom the child will spend the child's and the parents' birthdays, since this is a common source of friction.

The problem with "reasonable visitation" is that the abductor parent and the custodial parent rarely agree on what *reasonable* means. If possible, try to have a specific visitation schedule in the original court order.

The court can also prohibit the abductor from leaving the state with the child without prior consent from the judge or written consent from the custodial parent. A provision of this kind will assist you in preventing the abductor from obtaining a U.S. passport for the child. The judge can also order the abductor to surrender an existing passport for the child to the court or to the custodial parent. The judge may order supervised visitation in the presence of a court social worker, relative, or member of the clergy.

The court can also order the abductor to post a bond (buy a special insurance policy) to ensure that the abductor returns the child at the end of the visit. Sometimes a custodial parent will also be required to post a bond to ensure that the visitation rights of the noncustodial parent are not infringed.

One or more of these safeguards may be sufficient to prevent future parental kidnapping incidents. But too many restrictions may work against you. If visits are made too infre-

quent, structured, or impersonal, the abductor may feel that the only way to have a good relationship with the child is to abduct the child again. Be careful to consider your child's needs and feelings, too. The child may have a close, caring relationship with the abductor despite all the emotional pain and distress the abduction has caused you.

6. Preventing an Abduction

There are many precautionary measures that you can take to prevent an abduction or repeat abductions. Limiting visitation rights, described in the previous chapter, is a good place to begin. The prevention guidelines suggested in this chapter will also help reduce the chances of a parental kidnapping.

Prevention for Parents

Ask the Police or Prosecutor to Intervene If an abduction is threatened, ask the police or the local prosecutor to contact the would-be abductor. They should advise him or her that taking a child is a crime and that the offender could be imprisoned or fined, or both. It is helpful to include a provision in the court order stating that a violation of the custody order constitutes contempt of court and may also be punishable as a felony or misdemeanor under the state criminal code.

Teach Your Child to Use the Telephone Teach your child his or her full name and how to use the telephone to call home. Make sure your child knows your telephone number *and* area code. Practice making collect calls, and tell your child that you will always accept a collect call. Your child should be instructed to call home immediately if anything unusual happens or if anyone tells the child that you are dead or do not love the child anymore.

Notify Schools of Custody Orders Certified copies of your custody decree should be placed in your child's school files and given to teachers. Tell school personnel about your custody arrangements and any threats made by the noncustodial parent to snatch the child. Ask to be alerted immediately if the noncustodial parent makes any unscheduled visits to the school, and request the school not to allow the child to leave the school grounds with the noncustodial parent without your permission.

The best protection is to include in your custody order a provision prohibiting school authorities from releasing the child to the noncustodial parent. Even without such a provision, though, school personnel should only release the child to the parent entitled to custody.

Treat Child Support and Visitation as Separate Issues One of the greatest sources of tension after a divorce centers upon child support. If a noncustodial parent is late in paying support or does not pay at all, the custodial parent may try to "get even" by refusing to allow visits. And, the noncustodial parent may be angry enough to snatch the child. Or, the vicious cycle may begin when the custodial parent interferes with visitation and the noncustodial parent retaliates by refusing to pay support.

As difficult as it may be, these two issues—child support and visitation—must be treated as separate. In most areas, the refusal to pay child support is not a legal ground for denying visitation. Also, the denial of visitation is not a legal ground for failing to pay child support. The custodial parent should allow visits and at the same time go to court to collect the child support. The noncustodial parent should pay support and at the same time go to court to enforce visitation rights.

While it is not our intention to discourage you from enforcing your right to collect your child support, it has been noted that some parents may abduct a child as revenge because the custodial parent sued for back child support. It may be advisable to take extra precautions while you are collecting your back support.

Keep Lists of Information The custodial parent should keep a current list of the addresses and telephone numbers of all the relatives and friends of the noncustodial parent. It is also useful to make note of the other parent's Social Security number and license plate number.

File the Custody Decree in the Noncustodial Parent's Home County File a certified copy of the custody decree in the county where the noncustodial parent lives. This is especially important if the child will be traveling between states for visits. Filing the decree notifies the courts that a valid custody decree has already been made and must be honored and enforced. It also restricts the right of the court in the second state to modify the custody decree.

Custody Mediation If you do not already have a custody order, you can consider custody mediation as a way of working out an agreement for custody, visitation, or joint custody. This involves meeting with the other parent and a trained mediator to reach an agreement on all issues related to the custody of your child. The resulting agreement is then adopted by the court as the legal custody order. The main advantage to a mediated custody agreement is that both parents are usually willing to abide by the terms they have worked out. The same cannot be said for a plan dictated by a judge after a hotly contested trial.

Prevention Provisions in the Custody Decree

If you decide to hire a lawyer to negotiate a custody agreement for you, or if you must go to trial on the custody issue, you can request specific provisions in the custody order to protect against child kidnapping. These will then be made part of the original custody order. If you already have a custody decree, you will have to go back to court to modify the original order by limiting visitation and obtaining other preventive provisions.

Specify Visitation It is difficult to determine when the limits of "reasonable" have been exceeded. Thus, a parent may become frustrated when a planned three-week visit becomes a three-month visit with no end in sight, and still the authorities do not act. It may be wise to specify the beginning and ending dates and times in the initial court order.

Restrict the Removal of the Child The likelihood of an interstate or international abduction is greatest when the noncustodial parent has no strong ties to the child's home state, has friends or family out of state or abroad, or can earn a living almost anywhere. Under these circumstances, the custodial parent will want to limit the right of the noncustodial parent to remove the child from the state or country. (In some cases the restriction may be more stringent. For instance, the noncustodial parent might be prohibited from taking the child beyond the town limits.)

The custodial parent may seek provisions prohibiting the noncustodial parent from removing the child from the state without prior consent from the judge or written consent from the custodial parent. In addition, the custody order can direct the noncustodial parent to surrender his or her passport to a neutral party before the visit to the child. The neutral party can be a judge, a clerk of the court, a custody mediator, a member of the clergy, a police officer, or a lawyer, among others. Since replacement passports are relatively easy to obtain, additional assurances to prevent departure from the United States are recommended.

Where there is a history of custodial interference or a likelihood of future custodial interference, it may be wise to ask the noncustodial parent to post a bond (buy a special insurance policy). In the event that an abduction occurs, the insurance money may be used to fund the search for the abducting parent and the child. Bonds, however, may not be sold in all jurisdictions. Check with bail bondsmen and other insurance companies to see what is available in your state.

International Abduction To prevent an *international abduction*, include a provision in the court order requiring the noncustodial parent to post a bond to ensure that visitation rights will not be violated. If they are, the bond is paid to the custodial parent, who would then have the additional money to wage a custody battle overseas. The custodial parent should also consider a provision in the custody order specifically prohibiting the removal of the child from this country. It is unusual for a foreign country to recognize a U.S. custody decree.

If your child is wrongfully taken or kept abroad, help may be available from sources in this country and abroad. The Office of Citizen Consular Services of the Department of State

can conduct a "welfare and whereabouts" search to locate the child and to determine the child's physical condition and can provide a list of foreign attorneys and basic information about child custody dispute resolution in the foreign country. All such requests should be made to the Office of Citizen Consular Services, Room 4811, Department of State, Washington, D.C. 20520. You can call them at (202) 632-3444. Requests should be accompanied by your telephone number and information about the child, such as date and place of birth, passport number, date and place of issue, names and addresses of persons with whom the child has traveled, probable destination, a photograph of the child, and a certified custody order.

To prevent issuance of a U.S. passport to a minor child, a parent should call and then write to the Director, Office of Citizenship Appeals and Legal Assistance, Passport Services, Room 5813, Department of State, Washington, D.C. 20520. You can call them at (202) 632-0801.

If your ex-spouse is not an American citizen, consider sending a certified copy of your custody decree to the embassy or consulate of your former spouse's country along with a letter asking those officials not to issue a passport to your child. No international law requires them to comply with your request, but many countries will voluntarily comply.

Moving Out of State If the custodial parent plans to move out of state with the child, it is wise for both parents to discuss openly what effect this will have on visitation. The custody order should be modified specifically to include permission for the move and to require that parents keep each other informed of new addresses and telephone numbers.

Depending on the distances involved, it may be practical to have fewer but longer visitation periods. For instance, if the two parents live far away from each other, it may be workable for the child to spend summers and major holidays with the noncustodial parent and the school year with the custodial parent. It is also a good idea to consider dividing the increased costs of visiting between the parents instead of leaving the full burden on one parent.

Joint Custody Orders Joint custody orders do not always make friends of ex-spouses. If possible, these orders should be avoided if there is friction between the parents, if one parent opposes it, or if the parents live in different states. Even friendly parents should make sure that their joint custody decree specifies with whom the child will regularly live. The joint custody decree should also contain any provisions regarding removal or restrictions on removal of the child.

Police Assistance Many law-enforcement officers are unclear about their role in preventing and resolving parental kidnapping cases. A provision in the custody order directing police officers to take specific actions may produce faster, more effective assistance to you.

Family Violence A woman subjected to repeated physical abuse may be pushed to the point of taking her children and fleeing to safety. Battered women are strongly advised to consult an attorney before leaving the state in order to obtain legal custody and other emergency protective orders. The woman's lawyer can immediately seek temporary custody—without notice to the defendant—as well as restraining orders. This will prevent the abused woman from being prosecuted for parental kidnapping. It will also allow her to request the judge to include very specific visitation schedules and protections in the order, including pick-up and drop-off points out of the presence of the abusive parent, or supervised and limited visitation.

If it is too dangerous for the battered woman to remain in the state, she should immediately consult an attorney upon arriving in the new state. Depending upon the circumstances, she may be able to obtain a temporary custody order in the new state. A court action for permanent custody can then be filed promptly in the original state. When filing the petition for custody, the woman's lawyer can request the judge to seal all records that contain the woman's address.

7. Rights of the Noncustodial Parent

There is no reason for noncustodial parents to resort to parental kidnapping as a means of carrying on a relationship with their children. The legal system is available to noncustodial parents to protect and enforce their rights. Noncustodial parents have legal rights and remedies when their visitation rights are denied, limited, or otherwise interfered with by the custodial parent. This chapter outlines those rights.

1. Visitation rights are enforceable under both the UCCJA and the PKPA. If the custodial parent refuses to allow the noncustodial parent to visit the child, the noncustodial parent can petition the court for enforcement of the decree. Occasionally, a state's criminal parental kidnapping law covers situations where a custodial parent interferes with the noncustodial parent's visitation rights.

2. Where there is a history of interference with visitation rights by the custodial parent, a noncustodial parent can consider requesting the court to order the custodial parent to post a bond (buy a special insurance policy) to ensure that the visits occur. Be aware, however, that the custodial parent may respond by making a similar request.

3. The noncustodial parent can request the court to include a provision in the custody order requiring the custodial parent to get the approval of a judge before moving out of state or out of the country. If the court order prohibits the custodial parent from leaving the country without the court's consent, the noncustodial parent can write to the Office of Passport Services at the Department of State to request that the passport application for the child made by the custodial parent be denied (see page 22).

4. The noncustodial parent can request a provision in the custody order requiring both parents to keep each other informed of the current address and telephone number at which the child can be reached.

5. The noncustodial parent may be able to sue and collect money damages from the custodial parent for violating visitation rights. There are cases that support this. Lawsuits for interference with visitation rights may discourage obstructions of visitation as well as compensate the noncustodial parent for the costs incurred in enforcing the visitation rights.

8. The Laws on Parental Kidnapping

If your child is the victim of parental kidnapping, you and your lawyer should be aware of the following state and federal laws that may apply to your case:

1. State parental kidnapping laws
2. State missing children laws
3. Missing Children Act
4. Uniform Child Custody Jurisdiction Act (UCCJA)
5. Parental Kidnapping Prevention Act of 1980 (PKPA)

Each of these laws is briefly described in this chapter. You can find the books that contain these laws in your lawyer's library, a law school library, a county bar association library, or any courthouse library.

State Parental Kidnapping Laws

Nearly every state has enacted criminal laws to prevent parental kidnapping and to punish abductors. The definition of the crime varies from state to state, as does the name of the crime (child abduction, child stealing, custodial interference, parental kidnapping). It is possible that parental kidnapping may be punished under the laws of the state from which the child was abducted as well as under the laws of the state to which the child was taken. For this reason, it is wise to check the laws of both states. (See pages 40–41 for the law book references to the criminal laws of each state.)

State Missing Children Laws

Laws have been enacted by a number of states to safeguard children against abductions by strangers. Some of these laws also apply to parental kidnapping. Under these laws a variety of resources are made available to help in locating missing children, including missing children registries, programs in the public schools to detect abducted children, and voluntary fingerprinting programs.

There are two ways to find out if your state has a missing children law that may be of assistance to you. One way is to contact the office of your state Senator or Representative (Assemblyman) to find out if any missing children legislation has been passed. Another way is to check the index to your state civil and criminal codes (book of laws) to see if there is any listing under "Missing Children." Be sure to check the supplement to the index for the most recent laws.

Missing Children Act

Passed in October 1982, this federal law (Public Law 97-292) ensures that complete descriptions of missing children can be entered into the FBI's National Crime Information Center (NCIC) computer even if the abductor has not been charged with a crime. The law is found in Title 28 of the United States Code at Section 534.

Uniform Child Custody Jurisdiction Act (UCCJA)

All fifty states, the District of Columbia, and the Virgin Islands have enacted the UCCJA. Although it is called a "uniform act," many states have changed some of this law's provisions before enacting it. Consequently, you should read the UCCJA as passed by your state and the state in which your child is located. On pages 40–41 you can find the law book references to each state's UCCJA, which explain where to find the law books that contain the law. The UCCJA does the following:

1. Establishes rules governing which state has power (jurisdiction) to make or change a custody determination.
2. Applies to proceedings for custody, visitation, and joint custody but not to actions for child support.
3. May make it possible for a parent to obtain a custody determination even after a child has been abducted.
4. Enables a parent with a valid custody decree to have the decree honored and enforced in whatever state the child is located, without having to retry the whole custody case.
5. Limits the right of a court to conduct a custody hearing when a valid custody decree has already been made by another state and when a court in another state that has jurisdiction under the UCCJA is considering a petition for custody.
6. Restricts the power of a court to modify custody orders made by courts in other states that follow the UCCJA.
7. Punishes child abductors by permitting judges to order them to pay all reasonable costs, including attorney's fees, incurred by the victim parent in locating the child and getting the child back.
8. Discourages parental kidnapping by giving judges the power to refuse to hear a case if an abductor petitions the judge for a new custody order or for changes in an existing order.
9. Encourages communication and cooperation between judges in different states to decide which state has jurisdiction and whether that state should exercise jurisdiction in an interstate custody or parental kidnapping case.
10. Permits special scheduling of interstate custody cases to speed their resolution.
11. Provides that custody decrees made by courts in foreign countries are entitled to enforcement in the United States if reasonable notice and an opportunity to be heard were given to all persons.

Parental Kidnapping Prevention Act of 1980 (PKPA)

This federal law (Public Law 96-611) has three major sections. The first part requires states to enforce and not modify custody determinations made by other states. To find a copy of this law, look for Title 28 of the United States Code, and then turn to Section 1738A.

The second part of the PKPA authorizes the Federal Parent Locator Service to use its computer to find address information on abductor parents. This section of the law is found in Title 42 of the United States Code in Sections 454, 455, and 463. Regulations implementing this law can be found in the *Federal Register*, Vol. 48, Number 166, August 25, 1983, beginning at page 38542.

The third part of the PKPA directs the U.S. Department of Justice to apply the federal Fugitive Felon Act to major crime interstate parental kidnapping cases. This part of the law is found as a note to Section 1073 of Title 18 of the United States Code.

Support Groups

Following is a list of selected support groups throughout the country. The inclusion in this list of a program, organization, or resource does not constitute an endorsement or certification of it by the National Center for Missing and Exploited Children and should not be taken as such.*

The National Center for Missing and Exploited Children does not have regional, state, or local branch offices. Organizations bearing a name similar to the National Center for Missing and Exploited Children are not official agents of the National Center.

ALABAMA

Portraits International Corporation
2503 Old Shell Road
Mobile, Alabama 36607
(205) 479-6050

ALASKA

Alaska Juvenile Crime Commission
P.O. Box 4-2850
Anchorage, Alaska 99509
(907) 276-2066

Alaska Youth Advocates
600 Cordova, Suite 3
Anchorage, Alaska 99501
(907) 274-6541 (24 hours)
(907) 563-SAFE (shelter)

Child-S.A.F.E.
8612-2 Boundary
Anchorage, Alaska 99504
(907) 333-6405

Missing Children of America
P.O. Box 10-1938
Anchorage, Alaska 99510
(907) 272-8484

*This list was compiled by the National Center.

CALIFORNIA

Child Save
P.O. Box 271356
Concord, California 94527-1356
(415) 676-SAVE

Find the Children
1811 W. Olympic Boulevard
Los Angeles, California 90064
(213) 477-6721

Friends of Child Find California
P.O. Box 84088
San Diego, California 92138
(619) 268-1933

Home Run: A National Search for Missing Children
4575 Ruffner Street
San Diego, California 92111
(619) 292-5683

Kevin Collins Foundation for Missing Children
P.O. Box 590473
San Francisco, California 94159
(415) 863-6555

Missing Children's Project
1017 University Avenue
Berkeley, California 94710
(415) 549-3820

Orange County District Attorney
Family Support Division
P.O. Box 448
Santa Ana, California 92702-0448
(714) 834-5536

Orange County Search and Rescue
P.O. Box 5548
Buena Park, California 90622
(714) 828-3200

Thursday's Child Runaway Outreach Program
24100 Hartland Street
Canoga Park, California 91307
(818) 710-1181

Top Priority: Children
P.O. Box 2161
Palm Springs, California 92263
(619) 323-1559

Vanished Children's Alliance
P.O. Box 2052
Los Gatos, California 95031
(408) 354-3200

DISTRICT OF COLUMBIA (WASHINGTON, D.C.)

Action
806 Connecticut Avenue, N.W.
Room 600
Washington, D.C. 20525
(202) 634-9410

American Youth Work Center
1346 Connecticut Avenue, N.W.
Room 925
Washington, D.C. 20036
(202) 785-0764

Committee for Children
P.O. Box 11458
Washington, D.C. 20008
(202) 244-5248 (professionals and press)

Missing Children of Greater Washington
4200 Wisconsin Avenue, N.W.
Suite 201
Washington, D.C. 20016
(202) 686-1791

National Clearinghouse on Child Abuse and Neglect Information
U.S. Department of Health and Human Services
P.O. Box 1182
Washington, D.C. 20013

National Coalition Against Domestic Violence
1500 Massachusetts Avenue, N.W., No. 35
Washington, D.C. 20005
(202) 347-7017

National Crime Prevention Council
805 15th Street, N.W.
Room 705
Washington, D.C. 20005
(202) 393-7141

National Legal Resource Center for Child Advocacy and Protection
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

National Network of Runaway and Youth Services
905 Sixth Street, S.W.
Suite 411
Washington, D.C. 20024
(202) 488-0739

National Organization for Victim Assistance (NOVA)
1757 Park Road, N.W.
Washington, D.C. 20010
(202) 232-8560

FLORIDA

Adam Walsh Child Resource Center
1876 North University Drive, Suite 306
Fort Lauderdale, Florida 33322
(305) 475-4847

Adam Walsh Child Resource Center
227 South Orlando Avenue
Winter Park, Florida 32789
(305) 629-1811

Childkeyppers International
P.O. Box 6456
Lake Worth, Florida 33466
(305) 586-6695

Children's Rights of America
2069 Indian Rocks Road, Suite B
Largo, Florida 33544
(813) 584-0888

Dee Scofield Awareness Program
4418 Bay Court Avenue
Tampa, Florida 33611
(813) 839-5025

Missing Children Help Center
410 Ware Boulevard, Suite 303
Tampa, Florida 33619
(813) 623-KIDS (in Florida)
1-800-USA-KIDS (outside Florida)

Missing Children Information Clearinghouse
P.O. Box 1489
Tallahassee, Florida 32302
(904) 488-5221
1-800-342-0821 (Florida only)

GEORGIA

Find Me
P.O. Box 1612
LaGrange, Georgia 30241
(404) 884-7419

ILLINOIS

I-SEARCH
Illinois Department of Law Enforcement
200 Armory Building
Springfield, Illinois 62706
(217) 782-6429
1-800-843-5763 (hotline for sightings)

National Committee for the Prevention of Child Abuse
332 South Michigan Avenue, Suite 1250
Chicago, Illinois 60604-4357
(312) 663-3520

Protect the Children
P.O. Box 49
Steger, Illinois 60475
(312) 755-6008

KANSAS

Lost Child Network
P.O. Box 6442
Shawnee Mission, Kansas 66206
1-800-843-5678 (hotline for sightings)

KENTUCKY

Exploited Children's Help Organization
720 West Jefferson Street
Louisville, Kentucky 40202
(502) 585-3246

Kentucky Alliance for Exploited and Missing Children
400 South Sixth Street, 3rd Floor
Louisville, Kentucky 40202
(502) 587-3621

Louisville/Jefferson County Exploited and Missing Child Unit
400 South Sixth Street, 3rd Floor
Louisville, Kentucky 40202
(502) 588-2199

MARYLAND

Juvenile Justice Clearinghouse
National Criminal Justice Reference Service
P.O. Box 6000
Rockville, Maryland 20850
1-800-638-8736
(301) 251-5500

Society's League Against Molestation
P.O. Box 833
Beltsville, Maryland 20705
(301) 953-3237

Stephanie Roper Committee
P.O. Box 178
Cheltenham, Maryland 20623
(301) 952-0063

MASSACHUSETTS

New England K.ID.S.
516 Grafton Street
Worcester, Massachusetts 01604
(617) 791-1130
1-800-392-6090

Society for Young Victims
5 Washington Street
Manchester, Massachusetts 01944
(617) 526-1080

MICHIGAN

National Child Safety Council
4065 Page Avenue
Jackson, Michigan 49204
(517) 764-6070

Runaway Assistance Program
398 Park Lane
East Lansing, Michigan 48823
1-800-292-4517

MISSOURI

Child Find-Missouri
P.O. Box 19823
St. Louis, Missouri 63144
(314) 781-8226

National Fingerprint Center for Missing Children
Box 945
Kirksville, Missouri 63501
(816) 627-1277

NEBRASKA

Project: Missing Children
5804 Ames Avenue
Omaha, Nebraska 68104
(402) 347-6674

NEVADA

Community, Runaway and Youth Services
190 East Liberty
Reno, Nevada 89501
(702) 323-6296

NEW JERSEY

Foundation to Find and Protect America's Children
P.O. Box 436
Oak Ridge, New Jersey 07438
(201) 697-4088

New Jersey Commission on Missing Persons
Office of the Attorney General
Richard J. Hughes Justice Complex, CN081
Trenton, New Jersey 08625
(609) 984-5830

New Jersey State Police
Missing Persons Unit
P.O. Box 7068
West Trenton, New Jersey 08625
(609) 882-2000

Ocean County Commission on Exploited and Missing Children
Ocean County Sheriff's Department
Missing Persons Bureau
146 Chestnut Street
Toms River, New Jersey 08753
(201) 349-1454

Search Reports
560 Sylvan Avenue
Englewood Cliffs, New Jersey 07632
(201) 567-4040
1-800-526-4603

Services for the Missing
150 Berlin Road
Gibbsboro, New Jersey 08026
(609) 783-3101

NEW YORK

Child Find
P.O. Box 277
New Paltz, New York 12501
(914) 255-1848

Children in Crisis
Gallery 345/Art for Social Change
345 Lafayette Street
New York, New York 10012
(212) 535-4797

Children's Rights of New York
19 Maple Avenue
Stony Brook, New York 11790
(516) 751-7840

Child W.A.T.C.H.
606 Mt. Zoar
Elmira, New York 14904
(607) 732-0562

Families Aware of Childhood Traumas
P.O. Box 99
Carle Place, New York 11514
(516) 338-4945
(516) 334-0971

Institute for Youth Advocacy
Covenant House
460 West 41st Street
New York, New York 10036
(212) 613-0349

NORTH CAROLINA

Find My Child Support Network
P.O. Box 27394
Raleigh, North Carolina 27611
(919) 833-3780

Reach Out Center for Missing Children
1003 Stadium Drive
Durham, North Carolina 27704
(919) 471-3112

OHIO

Parents of Murdered Children
1739 Bella Vista
Cincinnati, Ohio 45237
(513) 721-5683
(513) 242-8025

OKLAHOMA

National Child Search
P.O. Box 800038
Oklahoma City, Oklahoma 73180
(405) 685-5621
(405) 685-5761

Oklahoma Parents Against Child Stealing
P.O. Box 2112
Bartlesville, Oklahoma 74005
(918) 534-1489

OREGON

Friends of Child Find of Oregon
P.O. Box 756
Springfield, Oregon 97477-0131
(503) 341-3822

Hide and Seek Foundation
P.O. Box 722
Cornelius, Oregon 97113
(503) 472-4333

Springfield Child Abuse Resources
223-C North A Street
Springfield, Oregon 97477
(503) 746-3376

PENNSYLVANIA

Children's Rights of PA
P.O. Box 4362
Allentown, Pennsylvania 18105
(215) 437-2971

Children's Rights of PA
Box 270
Dalton, Pennsylvania 18414
(717) 563-2628

Friends of Child Find
P.O. Box 10682
Pittsburgh, Pennsylvania 15235
(412) 244-0729

Missing Children of Allegheny County
1008 Duhrman Street
McKees Rocks, Pennsylvania 15136
(412) 321-6400 (412) 771-3000 (hotline)

RHODE ISLAND

Society for Young Victims
29 Thurston Avenue
Newport, Rhode Island 02840
(401) 847-5083

TENNESSEE

Commission on Missing and Exploited Children
P.O. Box 310
Memphis, Tennessee 38101
(901) 528-2005

National Child Search
P.O. Box 1654
Johnson City, Tennessee 37605
(615) 474-2232

TEXAS

Missing Persons' Center of Nueces County
P.O. Box 1940
Corpus Christi, Texas 78403
(512) 888-0265 (24 hours)

Parents of Murdered Children
8227 Roebourne Lane
Houston, Texas 70770
(713) 469-0678

UTAH

Child Find of Utah
5755 Hansen Circle
Murray, Utah 84107
(801) 261-4134
(801) 262-8056

VERMONT

Childseekers
P.O. Box 6065
Rutland, Vermont 05701-6065
(802) 773-5988

National Coalition for Children's Justice
4345 Shelburne Road
Shelburne, Vermont 05482
(802) 985-8458

VIRGINIA

Child Watch
P.O. Box 2381
Richmond, Virginia 23218
(804) 346-0191 (24 hours)

Parents Against Molesters
P.O. Box 12591
Norfolk, Virginia 23502
(804) 465-1582

WASHINGTON

Family and Friends of Missing Children
Jane Adams Building
11051 34th, N.E.
Seattle, Washington 98125
(206) 362-1081

Caution: Not all the above groups provide support for the parents and victims of parental kidnapping, although all deal with some aspect of missing or exploited children.

Recover the Children
Jane Adams Building
11051 34th, N.E.
Seattle, Washington 98125
(206) 622-0600

WEST VIRGINIA

Friends of Child Find
P.O. Box 85
Weirton, West Virginia 26062-0085
(304) 748-8163

WISCONSIN

Friends of Missing Children
P.O. Box 8848
Madison, Wisconsin 53708
(608) 846-9111

CANADA

Victims of Violence: Victims' Rights Advocates
Postal Station, South Edmonton
10465 80th Avenue
Edmonton, Alberta, Canada T6E 4S7
(403) 481-5073

Windsor Missing Children
P.O. Box 3243
Tecumseh P.O.
Windsor, Ontario, Canada N8W 2M4
(519) 735-2712

Additional Reading

Many books and magazine and newspaper articles have been written about parental kidnapping. Following is a selected list of books for parents and their attorneys. For additional sources, check your public library index under *child snatching* or *parental kidnapping*, or ask parental kidnapping support groups for their suggestions. American Bar Association publications may be ordered from this address: 1800 M Street, N.W., Washington, D.C. 20036.

Abrahms, Sally. *Children in the Crossfire.* New York: Atheneum, 1983.

Black, Bonnie Lee. *Somewhere Child.* New York: Viking, 1981.

Black, Susan, et al., comp. *Parental Kidnapping: A Handbook and Directory of Resources in the Denver Metropolitan Area.* University of Denver, 1983.

Clinkscales, John Dixon. *Kyle's Story: Friday Never Came.* New York: Vantage Press, 1981.

Crouch, R. *Interstate Custody Litigation.* Bureau of National Affairs, 1981. (for attorneys)

Demeter, Anna. *Legal Kidnaping.* Boston: Beacon Press, 1977

Gill, John Edward. "Tracking Missing Children." *Single Parent,* April 1984, pp. 12-15.

Hoff, Patricia. *Interstate and International Child Custody Disputes.* 4th ed. American Bar Association, 1984. (for parents and attorneys)

Hoff, Patricia, Joanne Schulman, Adrienne Volenik. *Interstate Child Custody Disputes and Parental Kidnapping: Policy, Practice, and Law.* Legal Services Corporation and the American Bar Association, 1982. (for attorneys)

Katz, Sanford N. *Child Snatching: The Legal Response to the Abduction of Children.* American Bar Association, 1981. (for attorneys)

National Association for Missing Children. *My Child Is Not Missing.* Plantation, Florida: Child Safe Products, Inc., 1984.

Redpath, Peter A. *Help Me! My Child Is Missing!* New York: Child-Savers, Inc., 1984.

Strickland, Margaret. *Child-Snatched: The Danny Strickland Case.* Moore Haven, Florida: Rainbow Books, 1979.

Strickland, Margaret, comp. *How to Deal with a Parental Kidnapping.* Moore Haven, Florida: Rainbow Books, 1983.

U.S. Cong. Senate. Committee on the Judiciary. *The Priorities and Practices of the FBI in Child Kidnapping Cases.* 98th Cong., 1st sess. S. Hrg. 98-122. Washington, D.C.: GPO, 1983.

Have You Seen This Child?

WANTED:
Arrest Warrant Issued

OPTIONAL
PHOTO
OF ABDUCTOR
(if warrant issued for arrest)

(Date of Photo)

NAME OF ABDUCTOR

Date of Birth:
Ht.: Wt.:
Hair: Eyes:
Complexion:
Scars, etc.:
Occupation:

MISSING CHILD

CHILD'S PHOTO

(Date of Photo)

CHILD'S PHOTO,
DIFFERENT ANGLE

(Date of Photo)

NAME OF CHILD

Date of Birth: Age:
Grade in School:
Ht.: Wt.: Hair: Eyes:
Complexion:
Scars, etc.:
Hobbies, sports, etc.:
Details of Abduction—Date, Place:
Indicate violation of court order, warrant on file.
Indicate if abuse has occurred.

IF YOU HAVE ANY INFORMATION, PLEASE CONTACT:

Officer's Name, Police Department:
Phone Number:
Case Number:
Warrant Number (if secured):

National Center for Missing and Exploited Children

1-800-843-5678

(or support groups)

Missing Persons Report for Abducted Child

Complete this worksheet and make a copy. Bring the copy to the police station when you go to report your child as missing. This will speed up the process of entering a missing persons report on your child into the NCIC computer. If you cannot make a copy, bring this book with you and ask the police officer to have a copy made of this worksheet.

Child's name_____

Sex_____

Race _____

Date of birth_____

Mother's maiden name_____

Date of abduction_____

Place of abduction (home, school, etc.)_____

Age at time of abduction_____

Height_____

Weight_____

Hair color_____

Eye color_____

Glasses?_____

Birthmarks_____

Unique characteristics (scars, limp, stutter, tattoo, jewelry, etc.)_____

_____

Grade in school_____

Medical or dental problems_____

Appendix

Information about abductor parent to be included in NCIC entry on missing child

Abductor's name_____

If mother, maiden name_____

Sex_____

Race_____

Date of birth_____

Height_____

Weight_____

Hair color_____

Glasses?_____

Birthmarks_____

Unique characteristics_____

Social Security number_____

Occupation_____

Vehicle

Make_____

Model Year_____

Driver's License_____

Person(s) traveling with abductor_____

References to the Uniform Child Custody Jurisdiction Act (UCCJA), Criminal Parental Kidnapping Laws, and the Parent Locator Service in Every State

The numbers listed in the second and third columns tell you what section of the state Civil Code and Criminal Code (Penal Code) contains these laws. The easiest way to get a copy of *your* state's UCCJA and parental kidnapping laws is to ask your lawyer for a copy. Also, you can probably get a copy by going to a large law library. Law schools, state and federal courts, and bar associations usually maintain comprehensive law libraries. Call and ask to speak with the law librarian. Give the law librarian the citation to the UCCJA or the parental kidnapping law. Ask the librarian if the library has the volume of the state Civil or Criminal Code that contains these sections. (Remember to check for the Criminal Code for the state from which the child was taken *and* the state to which the child was taken.) If the law library has these volumes, ask if you would be permitted to use the library. If you are, the librarian may be able to help you locate the correct volume.

State	*Uniform Child Custody Jurisdiction Act (UCCJA)*	*Criminal Parental Kidnapping Laws*	*State Parent Locator Service*
Alabama	§§30-3-20 to 44	§13A-6-45	(205) 261-2872*
Alaska	§§25.30.010 - .910	§11.41.320; §11.41.330	(907) 276-3441*
Arizona	§§8-401 to 424	§13-1302	(602) 255-3465*
Arkansas	§§34-2701 to 2726	§41-2411	(501) 371-2464*
California	§§5150 - 5174; §4604	§§277-279	(916) 739-5127**
Colorado	§§14-13-101 to 126	§18-3-304	(303) 866-2422**
Connecticut	§§46b-90 to 114	§53a-97; §53a-98	(203) 566-5438*
Delaware	Title 13, §§1901-1925	Title 11, §785	(302) 421-8328
District of Columbia	Title 16, §§4501-4524		(202) 887-0364*
Florida	§§61.1302-1348	§787.03; §787.04	(904) 487-3689
Georgia	§§74-501 to 525	§16-5-45	(404) 894-5945*
Hawaii	§§583-1 to 26	§707-726; §707-727	(808) 548-5779*
Idaho	§§5-1001 to 1025	§18-4501	(208) 334-4419**
Illinois	Chapter 40, §§2101-2126	Chapter 38, §10-5	(217) 785-1970*
Indiana	§§31-1-11.6-1 to 24	§35-42-3-3	(317) 232-4936
Iowa	§§598A.1-.25	§710-5; §710-6	(515) 281-4692
Kansas	§§38-1301 to 1326	§21-3422; §21-3422(a)	(913) 296-3375
Kentucky	§§403.400 - .630	§509-070	(502) 564-2244*
Louisiana	§§13:1700 - :1724	§14.45; §14-45.1	(504) 342-4788*
Maine	Title 19, §§801-825	Title 17A, §303	(207) 289-2886
Maryland	FL §§9-201 to 9-224	FL §9-301; §9-304 to §9-307	(301) 576-5474
Massachusetts	209B, §§1-14	265, §26A	(617) 574-0310*
Michigan	§§600.651-.673	§ 28.582 (1)	(517) 373-8640**
Minnesota	§§518A.01-25	§609.26	(612) 297-1113*
Mississippi	§§93-23-1 to 47	§97-3-53; §97-5-5; §97-3-51	(601) 354-0341
Missouri	§§452.440 - .550	§565.150	(314) 751-4301*
Montana	§§40-7-101 to 125	§ 45-5-304; § 27-1-515	(406) 444-4674
Nebraska	§§43-1201 to 1225	§28-316	(402) 471-9361
Nevada	§§125A.010 - .250	§200.359	(702) 885-4143**
New Hampshire	§§458A:1 - :25	§633.2; §633.3; §633.4	(603) 271-4438*
New Jersey	§§2A:34-28 to 52	§2c:13-4	(609) 633-6259**
New Mexico	§§40-10-1 to 24	§30-4-4	(505) 827-4230*
New York	§§75-a to z	§135.45; §135.50	(518) 474-1070**

*Indicates that the state has a contract with the Federal Parent Locator Service to use in parental kidnapping cases.
**Indicates that the state also allows the use of the State Parent Locator Service in parental kidnapping cases.

State	*Uniform Child Custody Jurisdiction Act (UCCJA)*	*Criminal Parental Kidnapping Laws*	*State Parent Locator Service*
North Carolina	§§50A-1 to 25	§14-320.1; §14-41; §14-42	(919) 733-4120*
North Dakota	§§14-14-01 to 26	§14-14-22.1	(701) 224-3584**
Ohio	§§3109.21 - .37	§2905.04; §2919.23	(614) 466-3233*
Oklahoma	Title 10, §§1601-1627	Title 21, §891	(405) 424-7572**
Oregon	§§109.700 - .930	§163.245; §163.257	(503) 373-7300**
Pennsylvania	Title 42, §§5341-5366	Title 18, §2904	(717) 783-3032**
Rhode Island	§§15-14-1 to 26	§11.26-1.1	(401) 277-2847*
South Carolina	§§20-7-782 to 830	§16-17-495	(803) 758-5517**
South Dakota	§§26-5-5 to 52	§29.19.7; §22.19.9; §22.19.10; §22.19.11	(605) 773-3641**
Tennessee	§§36-1301 to 1325	§39-2-301; §39-2-303	(615) 741-7923*
Texas	V.T.C.A. Family Code, §§11.51 - 11.75	§25.03; §25.04	(512) 475-5051*
Utah	§§78-45c-1 to 26	§76-5-303	(801) 486-1812
Vermont	Title 15, §§1031 to 1051	Title 13, §2451	(802) 271-2756*
Virgin Islands	Title 16, §§115-139		(809) 773-8240
Virginia	§§20-125 to 146	§18.2-47; §18.2-49; §18.2-50	(804) 281-9074*
Washington	§§26.27.010 - .930	§§ 9A.40.060, .070, .080	(206) 459-6454**
West Virginia	§§48-10-1 to 26		(304) 348-3780
Wisconsin	§§822.01 - .25	§946.71; §946.715	(608) 266-0252*
Wyoming	§§20-5-101 to 125	§6-2-20; §6-2-204	(307) 777-6554

If you have any trouble reaching the State Parent Locator Service, call or write to the Federal Parent Locator Service:

Federal Parent Locator Service
Office of Child Support Enforcement
Department of Health and Human Services
6110 Executive Boulevard
Rockville, Maryland 20850
(301) 443-4950

Note: A number of states are in the process of negotiating contracts for this service with the Federal Parent Locator Service. If your state does not have a contract as of this writing, contact your State Parent Locator Service to determine if your state has subsequently entered into a contract.

*Indicates that the state has a contract with the Federal Parent Locator Service to use in parental kidnapping cases.
**Indicates that the state also allows the use of the State Parent Locator Service in parental kidnapping cases.

Key Contacts in Parental Kidnapping Cases

Police Department (Sheriff) in your community

Name of officer assigned to case_____

_____

Badge number_____

Telephone number_____

Address_____

_____

Police report/case number_____

Prosecutor (District Attorney, State Attorney, Commonwealth Attorney, Assistant Attorney General, Solicitor)

Name_____

Telephone number_____

Address_____

_____

Assistant Prosecutor assigned to your case

Name_____

Telephone number_____

Address_____

_____

Your Lawyer

Name_____

Telephone number_____

Address_____

_____

FBI

Agent(s) spoken to_____

_____

Telephone number_____

Address_____

_____

U.S. Attorney for your district

Name_____

Telephone number_____

Address_____

_____

Assistant U.S. Attorney assigned to your case

Name_____

Telephone number_____

Address_____

_____

Support Groups

Name_____

Telephone number_____

Address_____

_____

Name_____

Telephone number_____

Address_____

_____

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American Bar Association
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Washington, D.C. 20036

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Nueces County Sheriff's Office
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Corpus Christi, Texas 78403

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Louisville, Kentucky 40202

3-85-003-2

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